

Message Text

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CINCPAC

C O N F I D E N T I A L KUALA LUMPUR 6298

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E.O. 11652: GDS

TAGS: PINS PINT MY

SUBJ: LAW MINISTER PROPOSES EXTRATERRITORIAL APPLICATION OF
LAWS IN AFTERMATH MALAYSIAN STUDENT DEMONSTRATIONS IN
NEW ZEALAND AND AUSTRALIA

REF: A) KL 6000 (NOTAL) B) KL 6092 (NOTAL) C) KL 6143 (NOTAL)
D) WELLINGTON 3052 (NOTAL) E) CANBERRA 7142

1. SUMMARY: GOM COUNTERATTACKS MALAYSIAN STUDENT INVOLVEMENT
IN OPPOSITION ACTIVITIES ABROAD BY PROPOSING EXTRATERRITORIAL
JURISDICTION BY MALAYSIAN COURTS FOR OFFENSES, INCLUDING "SEDITION,"
COMMITTED ABROAD. PRIME MINISTER RAZAK WARNS PARENTS MAY BE HELD
RESPONSIBLE FOR CHILDREN'S BEHAVIOR WHILE STUDYING OVERSEAS.
OBSERVERS HERE DISTURBED BY WHAT SEEMS TO BE UNNECESSARILY
AUTHORITARIAN REACTION TO EVENTS AND OFFICIAL RELUCTANCE TO
ADDRESS BASIC GRIEVANCES IN SUCH AREAS AS EDUCATIONAL
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OPPORTUNITIES AND CORRUPTION AMONG THE GOVERNING ELITE.
END SUMMARY.

2. IN WAKE OF DEMONSTRATIONS BY MALAYSIAN STUDENTS THAT MARRED PRIME MINISTER RAZAK'S JUST CONCLUDED 12-DAY VISIT TO NEW ZEALAND AND AUSTRALIA (SEE REFS B, D AND ESPECIALLY PARA 6 REF E) MALAYSIAN ATTORNEY GENERAL AND MINISTER OF LAW TAN SRI ABDUL KADIR BIN YUSOF ANNOUNCED OCT 23 GOM'S INTENT TO SEEK EXTRATERRITORIAL JURISDICTION FOR MALAYSIAN COURTS TO TRY OFFENSES COMMITTED OVERSEAS BY MALAYSIAN CITIZENS OR PERMANENT RESIDENTS OF MALAYSIA. TAN SRI KADIR SAID THAT A BILL PROPOSING NECESSARY AMENDMENTS TO BASIC CRIMINAL CODES WOULD BE PRESENTED TO THE CABINET AND, IF APPROVED, TABLED IN FORTHCOMING SESSION OF PARLIAMENT (SCHEDULED COMMENCE OCT 27). AMENDMENTS WOULD COVER OFFENSES "SUCH AS SEDITION, KIDNAPPING, CORRUPTION, AND HIJACKING," KADIR NOTED.

3. ACCORDING TO KADIR, EFFECT OF REVISIONS WOULD BE THAT GOM COULD SEEK EXTRADITION OF MALAYSIAN CITIZENS OR PERMANENT RESIDENTS WHO COMMITTED OFFENSES IN COUNTRIES WITH WHICH MALAYSIA HAS EXTRADITION TREATIES. IN CASES WHERE NO EXTRADITION TREATY EXISTED, OFFENDERS COULD ON THEIR RETURN TO MALAYSIA BE ARRESTED AND CHARGED. NO ONE COULD BE CHARGED HOWEVER IF ALREADY TRIED ABROAD BY COUNTRY IN WHICH OFFENSE COMMITTED. KADIR ADDED THAT SOME OFFENSES, LIKE SEDITION, IF COMMITTED ABROAD WERE NOT CONSIDERED TO BE OFFENSES IN THOSE COUNTRIES. HE IN PARTICULAR WARNED MALAYSIAN STUDENTS ABROAD NOT TO CONTRAVENE THE LAWS, ESPECIALLY WITH REGARD TO "SEDITION."

4. IN A RELATED DEVELOPMENT PRIME MINISTER RAZAK INDICATED AT A PRESS CONFERENCE OCT 23 THAT GOM NOW LOOKING INTO NEW WAYS OF CONTROLLING ACTIVITIES OF MALAYSIAN STUDENTS OVERSEAS. "WE HAVE TO BE STRICT WITH STUDENTS, EVEN PRIVATE STUDENTS, WHO GO OVERSEAS FOR STUDY IN FUTURE," RAZAK SAID (IN, AS ONE PRESS ACCOUNT PUT IT, "SHARP REACTION TO STUDENT DEMONSTRATIONS AGAINST HIM DURING HIS VISIT TO AUSTRALIA AND NEW ZEALAND"). HE ALSO REMARKED THAT GOM MAY REQUIRE UNDERTAKINGS FROM PARENTS TO "GUARANTEE" THAT THEIR CHILDREN WHO GO OVERSEAS FOR STUDY "BEHAVE THEMSELVES" AND RETURN TO MALAYSIA AFTER COMPLETING THEIR EDUCATION.

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5. RAZAK DESCRIBED THE STUDENT DEMONSTRATIONS AS ONLY SOUR NOTE IN VISITS AND AS AN "EMBARRASSMENT" TO HIS HOSTS. HE DECRIED ROLE OF AUSTRALIAN AND NEW ZEALAND STUDENTS WHO HE VIEWED COMPRISED BULK OF DEMONSTRATORS AND CHARACTERIZED AS "PROFESSIONAL AGITATORS" WHO HAD NO BUSINESS TO MEDDLE IN MALAYSIA'S AFFAIRS. ACCORDING RAZAK, MALAYSIAN STUDENT DEMONSTRATORS SHOULD EITHER CONCENTRATE ON THEIR STUDIES OR RETURN TO MALAYSIA AND AIR THEIR GRIEVANCES THROUGH DEMOCRATIC CHANNELS. HE ADDED THAT HE WOULD NOT BE SURPRISED IF IN FUTURE

AUSTRALIA AND NEW ZEALAND ACCEPTED FEWER MALAYSIAN STUDENTS (BY IMPLICATION AS A CONSEQUENCE OF SUCH TROUBLESOME BEHAVIOR).

6. GOVERNMENT-INFLUENCED "NEW STRAITS TIMES" (NST) OF OCT 24 ROUNDLY CRITICIZED DEMONSTRATIONS WHICH IT TERMED "TIGHTLY ORGANIZED" AND "MEANT TO DISRUPT THE TUN'S VISIT AND TO PROJECT A FALSE PICTURE OF MALAYSIA AS A POLICE STATE." NST SPOKE OF DANGERS TO WHICH STUDENTS ALLEGEDLY EXPOSED ABROAD, INCLUDING "VALUES AND PRACTICES OUT OF KEEPING WITH MALAYSIA'S OWN CULTURE AND NORMS," AS WELL AS "DETERMINED FORCES WHICH DELIBERATLY AIM AT SUBVERSION." NST CONCLUDED ON CONCILIATORY TONE, NOTING THAT "EASIEST MEANS OF COUNTERING THIS MAY NOT ALWAYS BE MOST EFFECTIVE" AND THAT THE KEY REMAINS THAT OF "WINNING HEARTS AND MINDS."

7. COMMENT: GOM CLEARLY HAS OVER-REACTED TO STUDENT DEMONSTRATIONS, THEREBY CONTINUING ITS TENDENCY TO RESORT TO A VERY BROAD LEGAL BROOM TO SWEEP AWAY WHAT IT PERCEIVES AS SECURITY THREATS (AND THEREBY MINIMIZING DISCORDANT VOICES AND CIRCUMVENTING CUSTOMARY STANDARDS OF DUE PROCESS). A SIZEABLE PORTION OF THOUSANDS OF MALAYSIAN STUDENTS ABROAD ARE ETHNIC CHINESE, MANY OF WHOM HAVE BEEN DENIED ACCESS TO HIGHER EDUCATIONAL FACILITIES AT HOME. HENCE MANY OF THESE STUDENTS ARE ALIENATED FROM THE START AND EASILY RADICALIZED. THE GOM'S ATTITUDE TOWARD THESE DEMONSTRATIONS ALSO RELATES TO ITS HANDLING OF THE DECEMBER 1974 STUDENT DISTURBANCES IN MALAYSIA AFTER WHICH THE GOM ENACTED STRICT DISCIPLINARY MEASURES TO LIMIT POTENTIAL FOR ORGANIZED DISSENT ON MALAYSIAN CAMPUSES. MANY OBSERVERS CONTRAST THE GOM'S TOUGH TREATMENT OF STUDENTS WITH ITS GINGERLY HANDLING OF ALLEGED OFFICIAL GRAFT AND CORRUPTION WITHIN THE
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GOVERNMENT. WHAT IS NEEDED, SOME SAY, IS NOT SUPPRESSION OF DISSENT BUT RATHER FIRM MEASURES TO DEAL WITH BASIC GRIEVANCES SUCH AS IMBALANCE IN EDUCATIONAL OPPORTUNITIES AND WIDESPREAD CORRUPTION AMONG THE RULING ELITE.
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